

From: Hugh A. Van Deursen
To: Microsoft ATR
Date: 1/17/02 1:52am
Subject: Microsoft Settlement

Hello,

The current settlement plan as devised by the Department of Justice is a sorrowful and pitiful answer to a problem of enormous proportions. It does absolutely nothing to rectify the illegal and unethical practices of a business but even encourages it to continue its business practices as had been done in the past. In addition, it can only encourage other businesses to commit similar acts of uncompetitive behavior since our own Department of Justice has implied that it is okay to treat Americans in such a manner and that the DOJ will turn its head to the actions committed against the people.

It appears the DOJ has ignored all of the testimony and evidence of not only the new people who provided information for the court but also the past travesties of Microsoft which caused a previous consent decree which Microsoft only laughed at and totally ignored. By doing what you are doing at this point, you are playing into the hands of Microsoft and only proving their feeling that you will not go through with what needs to be done to protect the American public. What needs to be done is similar to what brave DOJ's have done in the past with companies like Standard Oil Company, the results of which obviously have only benefited not only our country but the long term benefits to the oil industry were evidenced as well.

The original judge had it all correct when he found the company guilty of uncompetitive practices. It would seem the only mistake he made was to publicize some of his information outside of court. That hardly seems like a reason to give up. Judges are people too and therefore make mistakes. However, the evidence is still there. The testimony of many who trusted the DOJ when asked to testify on the government's behalf - for the people - are now being left uncared for by the DOJ. There can be no question that Microsoft will soon be prevailing their predatory practices against those who testified once the settlement is agreed to.

After all, what would Microsoft have to lose? They already know that the DOJ will do nothing. Individuals and businesses will have absolutely no incentive to help the DOJ in the future because they will feel it will only help, not hurt, in the long term.

Time and again, the American way of competitiveness has only proven the benefit of true competition. That doesn't matter whether it is automobiles or toilet paper. The competitive spirit to make things better due to the concern that another company will come out with a better product than you have makes us what we are...a great country. If Microsoft had some real competition they would not continue to put out a piece of software that still breaks so often and then require people to pay for the "upgrades" which are actually bug fixes that should be provided for free. Competition would cause them to make a better product. I am sure that is one reason that Apple has what is known to

be a much superior operating system because they have a need to make a better product.

There are several ways available to the DOJ to provide some means of remedy to the actions of Microsoft:

- *A breakup may not be the most practical or preferable, but the Standard (and other) breakups prove that will be beneficial.

- *Putting a dollar amount on what Microsoft has cost people by its monopolistic practices and making them place it into an independent fund where not-for-profit organizations and schools can apply for the funds to purchase applications and operating systems of their choice for use to benefit people might be used but it would need to be an amount that actually punishes the company for what it has done and profited by as a result and would, ultimately, provide more benefit for more people.

- *In addition to any of the above, requiring Microsoft to provide complete and entire sets of API's and file formats for Windows and Office (two major items pointed out in court where Microsoft has been found guilty) to a private entity that would be funded by Microsoft but be under the purview of the DOJ would seem to provide an opportunity for other companies to have access to the necessary code to provide operable systems and applications, not require daily watching by the DOJ, cause Microsoft to pay for the effort to remedy their improper actions, and provide the public with some decent competitive applications and systems.

- *Maybe another partial solution that would at least cause some grief for Microsoft, though I am not sure of the legality of this part, would be to assess an amount in dollars and the aforementioned API and file formats against Microsoft that they would be required to pay and give directly to Apple and Linux so that they can make their operating systems capable of directly reading and writing any and all Microsoft applications and operating systems so that users of those systems do not have to purchase an emulator for their system. If users could take any disk or application they are able to use in a Microsoft system and just as easily use it in a Linux or Apple system, that would surely help those systems to compete better.

I have grown tired of paying for and having to use operating systems that do not work, or break often, due to the anti-competitiveness of Microsoft. If it were not for their ability to copy another company's operating system, Windows would not even be where it is now and users would have an even lesser product. The Internet Explorer browser was so unusable until recently when they realized that they had to improve it since they had not completely beaten Netscape but only damaged them to the point they had to be bought by another company. It seemed to me that the DOJ was doing an excellent job of proving its case in court over the last couple years and I had high hopes that finally something would be done to make them make a better product by making them accountable for the uncompetitive antics they inflicted upon other companies and, ultimately, consumers.

When the King of England made the colonists pay excessive amounts for his taxes with only his choice of product, the people revolted and did what a good American would do, toss the rascals out. It is part of what

allows us to be Americans, freedom of choice and freedom from improper business antics. We trust our government to protect us from aggressors.

If Microsoft were a foreign company would they provided such leniency?

Of course not because their true anti competitive actions would be acknowledged by the DOJ and proper remediation accomplished. It is time for the DOJ to help the American people revolt against an uncompetitive aggressor on our own soil and cause something that will truly take care of the situation.

The current DOJ proposal has nothing in it that will do this.

Please do something that will, like a good, responsible, DOJ should.

Thank you,

Hugh A. Van Deursen